

2007 Changes and Trends Affecting Special Needs Trusts

February 15-16, 2007 • Radisson Hotel and Suites on Town Lake • Austin, TX

Thursday Afternoon, Feb. 15, 2007

1:00 pm 0.50 hr	<p>Special Needs Trust Overview</p> <p>Understanding the purposes and uses of SNTs, including how to spot opportunities to use SNTs and analyze the options.</p> <p>Molly Dear Abshire, Wright Abshire, Attorneys - Bellaire, TX</p>
1:30 pm 0.75 hr	<p>Protecting and Maximizing Public Benefits</p> <p>How to be sure a trust's beneficiary qualifies for the most important disability benefits: Supplemental Security Income, Medicaid, Social Security Disability Insurance and Medicare; and how to manage trust distributions to avoid losing benefits while enhancing the beneficiary's quality of life.</p> <p>H. Clyde Farrell, Attorney at Law - Austin, TX</p>
2:15 pm 1.00 hr	<p>Anatomy of a Special Needs Trust Part I: Third-Party Trusts</p> <p>This session will discuss the use of third-party special needs trusts in contrast to self-settled trusts, current Medicaid law in Texas with regard to defining the corpus as an unavailable resource as compared to national trends under the UTC and Restatement Third, and a practical discussion of drafting provisions to be included or to be avoided.</p> <p>Randy Drewett, Attorney at Law - Beaumont, TX H. Clyde Farrell, Attorney at Law - Austin, TX Wendelyn Wilkes, Broadway National Bank - San Antonio, TX</p>
3:30 pm 0.33 hr	<p>Anatomy of a Special Needs Trust Part II: Sole-Benefit Trusts</p> <p>This presentation focuses on sole-benefit trusts as provided for in OBRA 1993. Discussions include the uses and advantages of such trusts, the various types of sole-benefit trusts, federal requirements for such trusts, sample case situations, and the relationship of sole-benefit trusts to Medicaid estate recovery. Also included are discussions as to whether and under what conditions a sole-benefit trust for the community spouse may still be considered to be a countable asset to the couple.</p> <p>Wesley E. Wright, Wright Abshire Attorneys - Bellaire, TX</p>
3:50 pm 1.25 hrs	<p>Anatomy of a Special Needs Trust Part III: Self-Settled Trusts</p> <p>This session includes an overview of the uses for courtcreated self-settled trusts, self-settled seed trusts and self-settled pool trusts, including a walk-through on drafting typical language and tricky clauses.</p> <p>Deborah A. Green, Attorney at Law - Austin, TX Glenn M. Karisch, The Karisch Law Firm, PLLC - Austin, TX Shari M. Scholten, Wells Fargo/The Private Bank - Austin, TX</p>

Friday Morning, Feb. 16, 2007

8:30 am 0.75 hr	<p>Administering a Special Needs Trust</p> <p>This session discusses creating a plan for making distributions from the SNT with a focus on long-term objectives and day-to-day challenges; how to pay vendors and disperse funds; how the beneficiary can pay basic bills; and questions about credit cards and gift cards. A question-and-answer session will follow.</p> <p>Leah Cohen, ArrangeCARE - Austin, TX Renee C. Lovelace, Attorney at Law - Dripping Springs, TX Nancy Sosa, Encore Trust Company - Austin, TX</p>
9:15 am 0.75 hr	<p>Planning for Children with Special Needs Trusts</p> <p>The presentation will highlight Medicaid benefits available to children with disabilities (Title XIX benefits) and to children of needy families (Title XXI benefits), plus trusts and other planning techniques that can be implemented to protect both Title XIX and Title XXI benefits and distributions focused on providing the highest quality of life for these little ones.</p> <p>Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, PC - San Antonio, TX Nancy Sosa, Encore Trust Company - Austin, TX</p>
10:00 am 0.25 hr	<p>Passing the Baton: Closing Letters and Guidance from Lawyer to Trustee</p> <p>What to tell the litigation attorney about a trustee's duties, including an outline to address family expectations, a checklist of trustee duties, an annual calendar for trustee's steps, and sources for trustee guides.</p> <p>Renee C. Lovelace, Attorney at Law - Dripping Springs, TX Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, PC - San Antonio, TX</p>
10:30 am 1.00 hr	<p>Dancing with the Government: Questions, Answers and Options</p> <p>Assembled is an unprecedented panel of government experts who will address emerging issues arising in such programs as Supplemental Security Income, Medicare and Medicaid.</p> <p>Gary Martin, Centers for Medicare and Medicaid - Dallas, TX Shari L. Nichols, Health and Human Services Commission - Austin, TX Suzette Seng, Centers for Medicaid and Medicare - Dallas, TX Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, PC - San Antonio, TX Sally Stalcup, Centers for Medicare & Medicaid Services - Dallas, TX John Stockton, Health and Human Services Commission - Austin, TX Rick Williams, Social Security Administration (Retired) - Garland, TX</p>
11:30 am 0.50 hr	<p>Medicare Set-Asides</p> <p>All things special needs trusts—they're not just for workers' comp cases anymore! Medicare's position is that a set-aside trust is required in any personal injury case where damages include a claim for future medical expenses that may eventually be borne by Medicare. A representative of Medicare will answer all of your questions about the who, what, when, why and where concerning Medicare set-aside trusts.</p> <p>Pi-Yi Mayo, Attorney at Law - Baytown, TX Sally Stalcup, Centers for Medicare & Medicaid Services - Dallas, TX</p>

Friday Afternoon, Feb. 16, 2007

12:15 pm 0.75 hr	Case Law Update This presentation will cover recent cases involving special needs trusts as well as other cases of note. Mary Alice Jackson, Boyer & Jackson, P.A. - Austin, TX Rebecca C. Morgan, Stetson University College of Law - Gulfport, FL
1:15 pm 0.50 hr	Trustee Meets the INS: What to Do When Parents and/or Children are Out-of-Status Immigration issues are raising concerns for both attorneys and trust officers in advocating for parents and/or children who are out-of-status. This session will present an overview of those issues from a leading immigration attorney and discuss realistic options for dealing with out-of-status obstacles and trust administration. Deborah A. Green, Attorney at Law - Austin, TX David B. Thronson, University of Nevada Las Vegas - Las Vegas, NV
1:45 pm 1.00 hr	Planning Pitfalls Involving Special Needs Trusts and How to Avoid Them A discussion of SNT potential problems and practical solutions including owning a residence in an SNT, structured settlement annuity issues, etc. Ronald R. Cresswell Esq., Locke Lord Bissell & Liddell LLP - Dallas, TX
2:45 pm 0.75 hr	Trust Modification: Fixing Problems with Special Needs Trusts An overview of the process for modifying trusts of special attention to SNTs and how to make them work. Deborah A. Green, Attorney at Law - Austin, TX Glenn M. Karisch, The Karisch Law Firm, PLLC - Austin, TX